

Committee on Resources

Subcommittee on National Parks and Public Lands

Witness Statement

Testimony in Support of H.R. 20 by William E. Douglass, Executive Director of the Upper Delaware Council, Inc. before the House Resource Committee's National Parks and Public Lands Subcommittee on July 13, 1999

Mr. Chairman and the Honorable members of this Subcommittee:

Good morning. My name is Bill Douglass. I am the executive director of the Upper Delaware Council, Incorporated, often referred to as the UDC. On behalf of the UDC, I thank you for the opportunity to testify before you today in support of H.R. 20, the "Upper Delaware Scenic and Recreational River Mongaup Visitor Center Act of 1999." This bill will "authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York."

The Upper Delaware Council fully supports both the need for the proposed Mongaup Visitor Center as well as the site selected for its location.

By resolution adopted July 6, 1995, the UDC stated, "The proposed National Park Service visitor information center should be located east of the Mongaup River's confluence with the Delaware River at the original site and all design plans for the facility should be environmentally compatible with the site."

By resolution adopted May 1, 1997, the UDC further stated, "The Upper Delaware Council supports actions which will lead to the authorization and appropriation of funds for the proposed National Park Service Visitor Information Center located east of the Mongaup River's confluence with the Delaware River at the original site identified in the River Management Plan, so that preliminary design plans can be prepared and evaluated."

We hope this hearing today will be the first step in making this long-awaited visitor center a reality.

What is the UDC?

The Upper Delaware Council is a Pennsylvania not-for-profit corporation that is registered to do business in New York. Our office is located in Narrowsburg, Sullivan County, NY. We have a 501(c)3 designation from the IRS.

Since 1988, the UDC has been the oversight body responsible for the coordinated implementation of the River Management Plan for the Upper Delaware Scenic and Recreational River, designated by Congress in 1978 as a component of the National Wild and Scenic Rivers System.

Voting members are the State of New York, Commonwealth of Pennsylvania, and eleven local governments (New York towns and Pennsylvania townships) which border on the Upper Delaware River. The Delaware

River Basin Commission is a non-voting member of the Council.

The UDC operates under a direct contractual relationship with the National Park Service for the oversight, coordination, and implementation of many aspects of the River Management Plan.

Secretary Stewart Udall

About 10 years ago, I had the good fortune to meet and spend some time with Stewart Udall, the former Arizona Congressman and Secretary for eight years of the U.S. Department of the Interior. Mr. Udall reflected on his involvement with the creation of the National Wild and Scenic Rivers Act in the early 1960s.

Mr. Udall noted that rivers and river protection were essentially not on our national conservation agenda begun by Gifford Pinchot and Theodore Roosevelt a hundred years ago. In fact, most of our rivers by the 1950s were so heavily polluted that many of them were literally sewers. People began to ask, "Hey, does it really make sense to just stair-step dams up every river?" After much talking and arguing, they began saying, "To have a balanced policy for this country for rivers, shouldn't we also decide what stretches of river should be left alone?"

Mr. Udall explained that President Johnson presented the Wild and Scenic Rivers bill in his State of the Union message in 1965 to Congress and that it took four years to get it accomplished (P.L. 90-542, Oct. 2, 1968).

Upper Delaware River Legislation

An initial group of rivers was designated in the legislation, and others, including the Upper Delaware, were recommended for study. An intergovernmental study team led by the Bureau of Outdoor Recreation began its evaluations in 1969, and a draft river qualification study that proposed five different management options and a draft environmental impact statement were released in February 1974.

A controversy arose between the study team and local residents over the level of federal land acquisition, resulting in a substantial re-definition of the study's recommendations concerning the boundary, land acquisition, and local involvement in the river's management. Further drafts were produced in October of 1974, before a river study and a final environmental impact statement were released in July 1976.

The river was added to the Wild and Scenic Rivers System by its inclusion in the Parks and Recreation Act of 1978 (P.L. 95-625, Nov. 10, 1978).

Private Lands River

The Upper Delaware Scenic and Recreational River extends some 73.4 river miles from the confluence of the East and West Branches of the Delaware River, downstream from Hancock, New York, to Railroad Bridge No. 2 near Mill Rift, Pennsylvania. It forms the border between the States of New York and Pennsylvania.

At the time it was passed, the legislation for management of the Upper Delaware River was quite different from the provisions guiding most other segments of the System managed by the National Park Service. Virtually all of these units were characterized by substantial federal ownership, and in most cases, the

agency already had a legislative mandate for other management strategies, such as national parks or national recreation areas, nearby.

A distinguishing characteristic of the Upper Delaware River corridor is the overwhelming amount of lands remaining in private ownership. Federal authority is limited to the river surface and properties under National Park Service lease or ownership. The Upper Delaware River was among the first so-called "private lands" or "partnership" rivers, as it flows primarily through privately-owned land. Because of this, a cooperative approach to managing the river corridor was needed.

The River Management Plan

The Upper Delaware legislation stipulated that the Secretary of the Interior (through the National Park Service), the Delaware River Basin Commission, the Upper Delaware Citizens Advisory Council, the Commonwealth of Pennsylvania, the State of New York, and the affected political subdivisions of the two States cooperate in preparing a plan to protect the river within the scope of their existing laws.

The legislation also added several requirements to be met by the plan, including:

- A map showing the detailed final landward boundaries, the upper and lower terminus of the corridor, and the specific segments of the river classified as scenic and as recreational
- A program for the management of existing and future land and water use, including the application of available management techniques
- An analysis of the economic and environmental costs and benefits of implementing the management plan, including any impact of the plan upon the revenues and costs of local governments
- A program providing for coordinated implementation and administration of the plan, with assignment of responsibilities to the appropriate governmental unit at the federal, state, regional, and local levels
- Such other recommendations or provisions as shall be deemed appropriate.

Two early drafts of a management plan, initially developed by the National Park Service, through their Denver Service Center, in cooperation with the five county planning offices, were opposed by local residents at public meetings. Major concerns voiced were over-regulation, the use of the power of eminent domain, and loss of local control. There were also specific concerns about the continued right to hunt, fish, trap, and retain use of the river corridor. Some activists even wanted to de-authorize the federal designation of the river.

This led to the preparation of the plan being turned over to the Conference of Upper Delaware Townships (COUP), an association which had been formed in 1981 by the affected New York river towns and Pennsylvania river townships in response to local concerns over the impact that the designation could have on the people who live, work, or own property along the river.

The National Park Service regional director agreed to fund a new, local planning effort. Consultants were hired and work began in the summer of 1984. Representatives from local landowners and commercial interests, local government, state government, the Delaware River Basin Commission, the National Park Service, recreational interests, and local and national conservation organizations, assisted in preparing the

plan.

The draft plan was subject to public review from January 20, 1986 to June 20, 1986. Four public hearings were held in June in the river valley. Comments were received from more than 250 interested individuals, groups, and units of government. Revision work began immediately and was completed early in November, 1986. More than 400 changes were made in response to local comment.

The River Management Plan (RMP) for the Upper Delaware Scenic and Recreational River provides the direction and the parameters for implementing the legislation and all actions of the participating organizations. In 1987, the U.S. Secretary of the Interior, followed in 1989 by the Governor of the Commonwealth of Pennsylvania and in 1993 by the Governor of the State of New York, officially endorsed the River Management Plan and directed their agencies to act consistently with its policies.

Although the River Management Plan does not supercede the law, nor transfer or delegate the legal responsibilities of the Secretary of the Interior, it does stipulate an agreement between all levels of government for implementing the Upper Delaware legislation.

The Plan is based on an active partnership - a cooperative agreement - between the federal government, the two states, the local towns and townships in the river corridor, and the local landowners and residents. It regulates land use largely through zoning, and limits federal land acquisition in the corridor to no more than 124 acres on a willing-seller, willing-buyer basis only. The Upper Delaware Council was formed by the Plan's recommendation to carry out its guidelines.

Plan Calls for Visitor Center

The River Management Plan envisioned the development of a primary visitor contact facility near the southern terminus of the river corridor, to be built and operated by the National Park Service.

The Plan outlines the specific responsibility concerning the visitor center as follows: *"1. Purchase of the necessary land near the lower terminus, on a willing-seller basis only, to construct and operate a major visitor contact facility to accommodate visitors entering the corridor from the southern end (this is the most frequently used access point); a kiosk may be used temporarily to serve as the southern contact point until this center is completed. The purpose of this unit is to educate visitors about public facilities and commercial establishments within the river corridor, and laws regarding private property, or areas managed by the National Park Service. There will be an emergency river access point on this property and a river rest stop."* (Final RMP, 1986, page 87)

In 1990, the State of New York acquired 11,855 acres (53% fee, 47% easements) within the Mongaup watershed for wildlife management purposes, including protection of the habitat for bald eagles. Bills introduced in the New York State Legislature by Assemblyman Jake Gunther (A. 6936) and Senator Charles Cook (S. 4387) authorized the New York Department of Environmental Conservation (DEC) to enter into a 99-year lease with the National Park Service to allow development on a 55-acre site within the watershed located in the Town of Deerpark, Orange County, as the Mongaup Visitor Center. The State of New York passed legislation on June 21, 1993 with *"covenants limiting the size, nature and extent of development so that any structure erected on the leased premises shall not exceed two stories in height nor encompass more than ten thousand square feet ... Such lease shall also include provisions for public education on the biology of the bald eagle and their use of the area."*

Proposal Widely Anticipated

A number of organizations and individuals have come forward to publicly support the proposed Mongaup Visitor Center. The Upper Delaware Council has received copies of resolutions, letters, and statements regarding the project from the following, excerpted sources:

a. Town of Deerpark, NY

- Letter to Congressman Ben Gilman, May 22, 1999: *"The Town of Deerpark Town Board is corresponding with you once again addressing their support of the proposed Mongaup Visitor Center, which is to be located within the boundaries of the township. The Board still strongly supports the proposal and location of the Center in Deerpark ... Deerpark will not be the only municipality to benefit from the Center, as our neighboring communities would also gain many advantages for business and tourism."*
- Letter to Congressman Ben Gilman, April 25, 1997: *"...In your capacity as our Congressman, the Town of Deerpark Town Board respectfully requests that you introduce legislation to authorize the expenditure of federal funds for the planning, design, construction, and operation of the National Park Service's proposal for the Center...The businesses in the corridor would benefit greatly, with the educational program providing the introduction of our history and culture of the area, for individuals using the facilities and river for their enjoyment. Everyone, not only those of us who live here, can benefit and enjoy the beauty of the area, joining together to preserve the corridor with an organized and professional management program such as the Visitors Center."*
- Excerpt from Town of Deerpark Economic Development and Tourist Promotion Plan, prepared by Shepstone Management Corp., March 18, 1996: #1 Recommended Action: *"Encouraging, through active participation in the Upper Delaware Council and by soliciting the support of County, local and regional organizations, the establishment of the southern gateway welcoming center to the Upper Delaware National Scenic and Recreational River. This facility is in the River Management Plan and would be located in the Town of Deerpark. It would be a very positive feature for the Town and, more importantly, be a site where other Deerpark attractions could be efficiently and effectively promoted."*
- Letter to National Park Service, April 18, 1995: *"...The Town of Deerpark fully supports the proposed visitation center. Recently, Phil Chase, our delegate to the Upper Delaware Council, has raised concerns over the proposed location near the Mongaup River. The Town appreciates those concerns, as we too are concerned about the impacts of development in the Town. We value our water quality, fisheries, wildlife and historical resources. We are concerned about the safety and sanitary facilities for our visitors. We also believe that informed, balanced decisions will provide the best results. It is our understanding that the National Park Service will complete a full review of all of these issues before a final plan and design is completed for the visitation center. We are confident that the final plan and design will balance the concerns raised by the Upper Delaware Council, the National Park Service, the Town of Deerpark, and other concerned individuals and groups. We look forward to working with you on this project."*

e. Orange County, NY

- Letter to Upper Delaware Citizens Advisory Council by Orange County Director of Tourism Susan Howell, March 17, 1997: *"...I see this center as an anchor for the Delaware River corridor, providing information on rafting, canoeing, the bald eagles who nest there, the river itself, and places to eat and lodge."*

- Letter to National Park Service by Orange County Executive Mary McPhillips, March 23, 1993: "...This office along with the Orange County Offices of Tourism and Parks, Recreation & Conservation supports your effort to develop a tourism information center at Hawk's Nest in Orange County. Not only would this center provide information to the thousands of visitors who come to the Delaware River, it would also help draw people to this remarkable resource."

c. New York State Department of Environmental Conservation

- Letter to UDC by Peter E. Nye, Endangered Species Unit Leader, June 1, 1999: "...Given the fact that the proposed Visitor Center will be placed a considerable distance from the shoreline of the Delaware River, and that under our authorizing New York State legislation an acceptable (to DEC) Eagle Management Plan is required prior to site-disturbance, I do not believe that this Center will have a deleterious impact on bald eagles ... I am confident that, working together, we can very adequately protect bald eagles and their habitat in the area, as well as establish a very useful Visitor Center we can all be proud of. I look forward to working with you as this project progresses."
- Letter to Congressman Maurice Hinchey by Charles C. Morrison, director of Land Resources Planning for the NYS DEC, May 24, 1993: "...We recently agreed to cooperate with the Park Service in arranging a 99-year lease for a small parcel of our Mongaup River lands off Route 97, where they will build a small visitor information center. We believe that there will be no adverse impacts on the eagles. The site will be unobtrusive, well off the road, in the woods. The Park Service presence will help us to manage the intensive land use that exists around the confluence of the Mongaup with the Delaware. They will also restore the D&H canal locks that are downhill from this site."
- Letter to Orange County Commissioner of Parks, Recreation and Conservation Graham M. Skea by Frederick Gerty, DEC Region 3, April 13, 1993: "...The Visitor Interpretation Center should provide significant information and education for the traveling public. We feel it will become a popular attraction in Orange County and want to alert you to this proposal."
- Letter to NPS by Ralph Manna, DEC Region 3 Director, June 1, 1992: "...I have discussed the proposed siting for the center with staff and am satisfied that its function is consistent with the purpose for which the lands were acquired under the 1986 Environmental Quality Bond Act."
- Letter to UDC by Thomas C. Jorling, Commissioner of NYS DEC, Feb. 1990: "...We believe that a multipurpose visitor center, including visitor education, interpretation, conference and classroom space, offices, etc. would be very desirable in the Upper Delaware Valley. However, such a facility or even one of more limited scope, should not be constructed on this site. Apart from the importance of the entire area for an endangered species, it is one of the most scenic sections of the river corridor. Other, better, sites are available for a visitor center. The Council should advance this project in the context of an overall visitor education and interpretive plan for the valley, one that is more detailed than the general recommendations in the river management plan."

f. State and Federal Representatives

- Testimony of Congressman Ben Gilman before the Subcommittee on Interior Appropriations, April 20, 1999: "The visitor center will benefit the community in many respects. It will serve as an educational asset, a local museum, a classroom and as a driving force in promotion of the natural and historical resources of

the region...The requested funding will allow the community to begin the planning and design of this site. It will allow the National Park Service to obtain more accurate data and financial information, as well as an overview of the environmental impact and benefits of such a visitors' center. This is a logical and responsible first step in the construction of a center which will benefit all the citizens and communities of the Upper Delaware Valley."

- Letter to Rep. Gilman by Assemblyman Jake Gunther, June 5, 1998: *"...The proposed visitor center will be a quality facility that will accommodate and aid the public's needs. It will be an orientation point for those visiting the Upper Delaware Scenic and Recreational River Area and a source for information on safety and local services."* Follow-up letter to Senators Moynihan and Schumer, Congressmen Gilman and Hinchey, April 15, 1999: *"...I beg you, please rush passage of this legislation and seek federal monies to begin and complete this project as was intended in the federally approved Upper Delaware Scenic and Recreational River Management Plan referred to in H.R.20/S.167."*
- Excerpt from Senate Bill 4387, introduced by Senator Charles Cook, April 5, 1993: *"The legislature further finds that the proposed visitor interpretive center, if developed in accordance with the provisions of this act, will be in the public interest, will promote the welfare of the people of this state and will be consistent with the natural resource values of the Mongaup Valley Wildlife Management Area."*

d. Proximal Communities

- Letter from the Pike County Commissioners to the Upper Delaware Citizens Advisory Council, May 27, 1997: *"With the annual increase of visitors to the Upper Delaware Valley area, it is extremely important for all of us to do everything possible to inform and educate visitors to be aware of the need to understand and appreciate - as well as to enjoy - the bounty of our natural resources. The establishment of this interpretive center will be a vital step in that direction."*
- Letter from Supervisor Thomas Hill, Town of Lumberland, to NPS, June 18, 1992: *"The interpretive prospectus, dated September 19, 1989, for the Upper Delaware Scenic and Recreational River includes the siting of a visitor interpretive center on land at the confluence of the Mongaup and Delaware Rivers ...This letter is to advise you of my strong support for this project."*

Provide Vital Service

This long-awaited and widely-supported facility will provide a vital service not only for the quarter of a million visitors who annually travel to the Upper Delaware Region to utilize the river itself, but also for those visitors who come for sightseeing, heritage tourism, bird watching, and other non-water based activities. Local residents, community groups, school students, and children will also use and benefit from the visitor center.

Mongaup Visitor Center consumers will enjoy the first centralized opportunity to learn about the river valley's rich historical, cultural, and natural resources, and to obtain tourism-oriented information in a convenient and accessible location.

The availability of public restrooms and telephones will be a strong benefit in a region in which fully 85% of the property is privately owned. Permanent exhibits on the bald eagle will contribute to the NYS DEC's management objectives for this locally prominent species. With such first-time amenities as a theater/classroom, a large-scale relief map of the region, and a loop trail to on-site Delaware & Hudson

Canal remnants, the Upper Delaware Scenic and Recreational River NPS unit will be able to expand its quality interpretive programming.

In conclusion, the Upper Delaware Council believes that the Mongaup Visitor Center will fulfill a strongly identified need to provide an orientation to this unique private-lands corridor with a federal presence, facilitate responsible patronage of public and private services, and, above all, to increase the awareness and stewardship of the river valley's significant resources.

Thank you again on behalf of the Upper Delaware Council for this opportunity to address the merits of H.R. 20.

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